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10 **UNITED STATES DISTRICT COURT**
11 **DISTRICT OF NEVADA**
12

13 UNITED STATES OF AMERICA,
14 Respondent/Plaintiff,
15
16 vs.
17
18 THEREN PHILLIP FRAZIER,
19 Petitioner/Defendant.

20 Case No. 2:15-cr-00044-GMN-GWF

21 **UNOPPOSED MOTION FOR**
22 **ADDITIONAL TIME TO FILE**
23 **A REPLY TO THE GOVERNMENT'S**
24 **RESPONSE IN OPPOSITION TO**
25 **DEFENDANT'S MOTION**
26 **TO VACATE SENTENCE**
27 **[ECF No. 149, 150]**
28

19 Petitioner/Defendant, THEREN PHILLIP FRAZIER, by and through his
20 attorney of record, THOMAS L. QUALLS, ESQ., moves this court for a 30 day
21 enlargement of time from this date, within which to file his Reply to the
22 Government's Response to Defendant's Motion Pursuant to 28 U.S.C. 2255 to Vacate,
23 Set Aside, or Correct Sentence by a Person in Federal Custody. [ECF No. 149, 150].
24 Government's counsel AUSA Elizabeth O. White was contacted and has no objection
25 to this Motion.
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1 This Motion is made pursuant to Fed. R. Civ. P. 6(b) and Rule 6-1 of the Local
2 Rules of Practice and is the first enlargement of time sought by Petitioner/Defendant
3 in this matter and is brought in good faith.

4 The instant Motion for additional time is necessary for the following reasons: (1)
5 The issues involved are complex; (2) the undersigned is a sole-practitioner, and since
6 approximately mid-March of 2020, the undersigned counsel has been working without
7 an assistant, due to the COVID-19 global pandemic, so he is and has been performing
8 both jobs; (3) due to pre-existing medical conditions, the undersigned is at heightened
9 risk if exposed to COVID-19, and so cannot afford to take unnecessary risks by
10 working with an assistant or an associate at this time; (4) the undersigned counsel is
11 (and has been since March) managing his child and his law practice because almost all
12 summer camps have been closed this summer; (5) the undersigned is working on
13 numerous CJA appointments involving relief pursuant to *Rehaif v. United States*, 139
14 S. Ct. 2191 (2019) and *United States v. Davis*, 139 S. Ct. 2319 (2019), which are being
15 litigated simultaneously; and (6) In general, the practice of law under the restraints
16 and conditions of COVID-19 are onerous to sole practitioners with small children.
17 Accordingly, 30 days of additional time in which to file a Reply in the instant matter is
18 necessary, and is not for any improper purpose.
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20
21
22 RESPECTFULLY SUBMITTED this 14th day of August, 2020.
23

24 **IT IS SO ORDERED.**

25 Dated this 14 day of August, 2020.

26 /s/ Thomas L. Qualls
27 THOMAS L. QUALLS, ESQ.
28 Attorney for Petitioner/Defendant,
THEREN PHILLIP FRAZIER

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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of the Court for the United States District Court of Nevada by using the CM/ECF system on August 14, 2020.

I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

/s/ Thomas L. Qualls
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Attorney for Petitioner/Defendant,
THEREN PHILLIP FRAZIER